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April 28, 2021

VIA ECF

The Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *The Export-Import Bank of the Republic of China v. Republic of the Congo*,
Case No. 16-cv-4480 (JMF)

Dear Judge Furman:

We represent the Export Import Bank of the Republic of China ("Ex-Im Bank"), judgment creditor in this matter.

On October 29, 2020, this Court issued its opinion and order granting Ex-Im Bank's motion for sanctions (ECF No. 64; the "Order"). In the Order, the Court directed Ex-Im Bank to file a status letter with this Court every two months describing what sanctions had accrued, providing information on any contact or communications with the DRC regarding the dispute, and stating whether Ex-Im Bank believed that the sanctions ordered should be revisited or modified.

This letter is the status letter required for April 28, 2021. The next status letter will be submitted on June 28, 2021.

Our last status letter to the Court was submitted on March 8, 2021 ("March 8 Letter"). As we reported in that letter there had just been a change of government. The DRC's president, Felix Tshisekedi, had appointed a new Prime Minister, Jean-Michel Sama Lukonde.

Therefore, we advised Ms. Kindongo that we would write directly to the President and Prime Minister, and sent those letters by Federal Express on March 26, 2021. Copies of those letters are attached. We obtained proper DRC addresses from Ms. Kindongo for those letters, and we were advised by federal express on April 9, 2021 that the letters had been delivered. As the Court will note, in those letters, we set forth the particulars of the complaint, default judgment and sanctions. We also enclosed a copy of the complaint and the judgment, as well as this Court's order of October 29, 2020, imposing sanctions. We also enclosed the two prior status letters that we had submitted to this Court.

We have had no response.

As we reported in the March 8 Letter, \$404,000 in sanctions had cumulated as of then, and were cumulating at \$8,000 a day. Moreover, sanctions would begin to accumulate at the maximum rate of \$11,428 per day on March 11. Thus, as of the end of March 10, sanctions stood at a level of \$420,000. On March 11, they began to cumulate at the new rate of \$11,428 per day. Forty-

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nine days have elapsed since March 11, thus adding another \$559,972 to the total of sanctions, which now stand at \$979,972. Under this Court's order, they will continue to cumulate at \$80,000 a week.

We remain hopeful that, in one way or another, we can begin a dialogue with the new government. Recently, we believe, new Ministers of Justice and Finance have been appointed. We will continue to reach out, both directly and through Ms. Kindongo, to the new Government.

At this time, Ex-Im Bank seeks no change to the terms of the Order.

If there are any developments of material significance, we will certainly bring them promptly to the Court's attention. Otherwise, we shall report once again on June 28, 2021.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'PS' followed by a long horizontal flourish.

Paul E. Summit

Direct line: 617-338-2488

psummit@sullivanlaw.com

cc: Benita Kindongo, Esq.



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March 26, 2021

The Hon. Felix Tshisekedi
President
Office of the President of the Democratic Republic of the Congo
c/o the United States Embassy of the Democratic Republic of the Congo
1100 Connecticut Avenue NW #725
Washington, D.C. 20036

Dear President Tshisekedi:

We represent the Export Import Bank of the Republic of China ("Ex-Im Bank").

Ex-Im Bank is a judgment creditor against the Democratic Republic of the Congo (the "DRC"). On January 23, 2017, the federal court in New York City entered judgment against the DRC and in favor of Ex-Im Bank in the amount of \$57,325,223.40 based on the DRC's default under a loan agreement. Since then, the judgment has grown through interest and sanctions to well over \$65,000,000. No portion has been paid.

We have enclosed a copy of the complaint, filed on June 14, 2016; the judgment; and a court order of October 29, 2020, imposing sanctions against the DRC. We have also enclosed two status letters that we have submitted to the Court since it entered its sanctions award.

The DRC has never formally "appeared" in court to defend itself in the federal action, but since early April, 2020, the DRC's interests have been represented by a lawyer based in Paris, Ms. Benita Kindongo. She is copied here.

We understand that a new government is now in formation. However, we wanted to be certain that responsible officials of the DRC are aware that sanctions have been building against the DRC since the Court's sanctions Order; and now amount to approximately \$564,000. Sanctions are building at the rate of \$80,000 a week.

We continue to be open to a dialogue about resolution of the dispute, and Ms. Kindongo and we have communicated toward that goal. In the end, however, it will require a sustained commitment on the part of the DRC.

We will be happy to provide any further information and answer any further questions.

Felix Tshisekedi, President of the DRC

March 26, 2021

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Respectfully submitted,



Paul E. Summit

Direct line: 617-338-2488

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cc: Jean-Michel Sama Lukonde, Prime Minister, the Democratic Republic of the Congo
Benita Kindongo, Esq.



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March 26, 2021

Jean-Michel Sama Lukonde
Prime Minister
Office of the Prime Minister of the Democratic Republic of the Congo
c/o the United States Embassy of the Democratic Republic of the Congo
1100 Connecticut Avenue NW #725
Washington, D.C. 20036

Dear Prime Minister Lukonde:

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We will be happy to provide any further information and answer any further questions.

Jean-Michel Sama Lukonde, Prime Minister of the DRC

March 26, 2021

Page 2

Respectfully submitted,



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cc: The Hon. Felix Tshisekedi, President, the Democratic Republic of the Congo
Benita Kindongo, Esq.